O/Transfer of Property/53

1953

File No. 9/53

K

PHE

Legal Department

G. BRANCH

Subject:—

Opinions Under the

~~Opinion~~ Transfer of Property Act.

O/Transfer of Property/53

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		Opinions under the transfer of property Act Sec. 108(h)	
1.)	O.No. G- 29/13-1-53.	Re: Question of temporary sheds by Govt. in the old Mathuradas Mills compound where a godown was rented by Govt. Vacation of the Godown by Govt. by giving one month's notice to land lord. whether Govt. can remove the temporary structures now as the possession of the Godown has already been given to the landlord.	1-6

14/8

Aug 14/8

Office of the D.C.A.

Submitted.

2. [illegible] notes of the I.C. of D.(I.G.,...) [illegible] 7-10 above.

3. [illegible], the sheds are as follows:-

(a) [illegible] constructed by the P.W.D. [illegible] 10-41 at a total cost of Rs.6,871/- in the compound of Old Mathuradas Mills, Lower Parel (now known as Delisle Road Godowns [illegible] Government) in order to avoid damage to the goods from rain water at the time of loading and unloading of the food-grains. A month's notice was given to the landlord by G.C. of their intention to vacate the Godown with effect from 1-10-1952. The landlord refused to pay anything to Govt. for the sheds. The Executive Engineer, Presidency Division, Bombay was therefore requested on 10-9-1952 to state whether the charges for removing the sheds would exceed the amount that the shed would fetch when sold. As the Executive Engineer's reply was received on 24-10-1952; the sheds could not be removed before vacating the godown on 10-10-1952. In his reply the Executive Engineer stated that the charges for removal of the temporary sheds which have outlived their lives would be Rs. 200/- while

the useful material of the sheds would fetch about Rs.700/-. The landlord was informed on 27-11-[illegible] that arrangements were being made to remove the sheds from their existing sites. The Landlord, however, stated in his reply through his advocate Solicitors, M/s. Dikshit Pandkar and Co., that the six sheds in question being on private land, Govt. has no right under the law to remove them or claim any compensation in respect thereof and that if any attempt is made by Government to remove them, he would be entitled to receive damages and would also be justified in taking action to prevent Govt. from doing so. The office of the Asstt. C.of R. (G.G.S.) has now forwarded these papers to this office for R.L.A's opinion whether the stand taken by the landlord is correct.

D S (Civil) A. T.
9/1

R.L.A.
Sd/- R.L.Lad.
9/1.

MM.

9/8-

In view of the provisions of section 10(b) of the Transfer of Property Act, it would not be now legal for Government to remove the structures erected by them in the compound of old Kathuradas Mills as possession of the godown has already been given to the landlord. The view taken by the Trustee's Solicitors in their letter dated the 8th November 1952 is correct.

Sd/- Illegible.

13/1

C.C.

Superintendent of Legal Affairs.

Under A.G. of M.(T. & C.), No. G- 29, dated the 17th January 1953.

EM

9/2-